



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	30 - Commonwealth Transportation Board (Virginia Department of Transportation)
VAC Chapter Number:	24
Regulation Title:	Minimum Standards of Entrances to State Highways
Action Title:	Article 2-Exempt Technical Correction to Error in 24 VAC 30-71-160
Date:	October 29, 2001

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation sets forth the requirements approved by the Commonwealth Transportation Board, and implemented by VDOT, regarding the control of the use of highway rights-of-way when it is necessary to provide access to commercial, private, and industrial properties abutting state roads.

The specific action involved is a technical correction, and is discussed below:

This regulation contains entrance design illustrations containing the following note: “Entrance details shown on this sheet may be modified to meet specific site requirements as directed or approved by the Resident Engineer, when based on sound engineering principles.” When the regulation was last amended in 1998, one of the main purposes for the action was to give flexibility to resident engineers at the field level in reviewing and approving entrance permit applications. To achieve this purpose, it was decided during the 1998 action that the note should be added to all entrance design illustrations. At the same time, it was also determined that the regulation should contain an entrance design illustration for standard private subdivision road entrances, and such design was included on pages 29 and 30 of the regulation. The two private entrance illustrations differ only in the units specified: one is in English units and the other is in metric units.

This note was intended to be included on all entrance design illustrations in the regulation but inadvertently was left off the entrance design illustrations on pages 29 and 30 when the regulation was printed. The omission of the notes from both illustrations was a technical error. This action is intended to correct the regulation to include the notes as intended.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Commonwealth Transportation Board (CTB) passed a resolution on October 17, 2001, stating that the inadvertently omitted text should be incorporated into the regulation as a correction to a technical error. Since the omitted text was part of revisions made to the regulation under a full-scale APA action concluded in 1998, VDOT secured an opinion from the Office of the Attorney General dated October 24, 2001, affirming the statutory authority of the CTB to revise the regulation. By signature of the Deputy Commissioner for Administration and Finance on October 26, 2001, the regulatory action was approved for further processing.

The anticipated date of publication for the technical corrections is November 19, 2001. After the 30-day waiting period has elapsed, the corrected regulation should become effective December 19, 2001.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation has no effect on the family or family stability, nor does it affect any of the factors listed above.